GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition & Excise Department - Departmental Proceedings initiated against Sri M.Bhaskara Rao, Prohibition & Excise Superintendent, Ongole for non issuance of provisional license to the successful applicants immediately and caused loss to the Government Revenue – Under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules – 1991 – Articles of Charge – Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O. Rt. No.444 Dated: 05.05.2020.
Read the following:-

1) From Commissioner, Proh & Excise, A.P., Hyd., Lr No.3136/2015/C PE/A2, dt. 23.07.2015.
2) Govt.Memo No.40785/Vig.IV(2)/2015, dated 07.10.2015.
3) Govt. DO.Lr.No.40785/Vig.IV(2)/2015, dated 09.05.2019.
4) From Commissioner, Proh & Excise, A.P., Hyd., Lr No.3136/2015/C PE/A2, dt. 27.05.2019.

ORDER:

It is proposed to hold an enquiry against Sri M.Bhaskara Rao, Prohibition & Excise Superintendent, Ongole in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The Substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of Charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexures - III and IV).

3. Sri M.Bhaskara Rao, Prohibition & Excise Superintendent, formerly at Ongole is directed to submit a written statement of defence if any within 10 days on receipt of this orders.

4. Sri M.Bhaskara Rao, Prohibition & Excise Superintendent, formerly at Ongole is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri M.Bhaskara Rao, Prohibition & Excise Superintendent, formerly at Ongole is further informed that if he does not submit his written statement of Defense on or before the date specified in the para-3 above, further action will be processed based on the material available.

6. Attention of Sri M.Bhaskara Rao, Prohibition & Excise Superintendent, formerly at Ongole is invited to Rule 24 of Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government Servant shall bring or attempt, to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT,EXCISE&R&S)

To
Sri M.Bhaskara Rao, Prohibition & Excise Superintendent, formerly at Ongole presently as Asst. Commissioner, Visakhapatnam, through the Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada.
The Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada (with a request to serve the G.O. to the individual and furnish served copy with dated signature for record).
SC/SF.

//forwarded :: by order //

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI M. BHASKARA RAO, THE THEN PROHIBITION & EXCISE SUPERINTENDENT, ONGOLE PRESENTLY WORING AS ASSISTANT COMMISSIONER OF PROHIBITION & EXCISE (ENFORCEMENT).

***

Sri M.Bhaskara Rao, Asst. commissioner of Prohibition & Excise S/o M.Penchalaiah is a native of Nellore district. His date of birth is 01-06-1961. He joined in Government Services as Prohibition & Excise Inspector on 15-10-1995. Consequently, he promoted as Asst. Prohibition & Excise Superintendent and also Prohibition & Excise Superintendent on 24-04-2013 and presently working as Asst. Commissioner, Visakhapatnam w.e.f. 10-10-2018. He worked as Prohibition & Excise Superintendent, Ongole from 24.09.2013 to 17.08.2015. His date of retirement on attaining the age of superannuation is on 31.05.2021. He is herein referred as Charged Officer.

CHARGE-1

"That the said Sri M.Bhaskara Rao, the then Prohibition & Excise superintendent, Ongole, being a uniformed disciplined Government Servant, while functioning as P&ES, Ongole, has failed to discharge his legitimate duties in issuing provisional license to the successful applicants immediately though they have remitted 1/3rd instalment of licence fee on the same day drawl of lot i.e., on 06.07.2005 and caused loss to the Government Revenue.

Thus he has behaved in a manner which is unbecoming of such employee or derogatory to the prestige of the government and also failed to take all possible steps to ensure the integrity and devotion to duty, thereby contravened Rules 3 (2) & 3 (5) of the APCS (Conduct) Rules, 1964.

CHARGE-2

" That the charged officer being a uniformed disciplined Government servant not obeyed the instructions of the DOE issued through "whats app" for issue of provisional licences and he kept deaf ear to his superior while discharging his duties.

Thus he has exhibited lack of integrity, discipline and un-becoming of a public servant and thereby contravened Rule 3 (1) of Andhra Pradesh Civil Service (Conduct) Rules, 1964."

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT,EXCISE&R&S)

//forwarded :: by order//

SECTION OFFICER

ANNEXURE – II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI M. BHASKARA RAO, THE THEN PROHIBITION & EXCISE SUPERINTENDENT, ONGOLE PRESENTLY WORING AS ASSISTANT COMMISSIONER OF PROHIBITION & EXCISE (ENFORCEMENT)

***

Sri M.Bhaskara Rao, Asst. commissioner of Prohibition & Excise S/o M.Penchalaiah is a native of Nellore district. His date of birth is 01-06-1961. He joined in Government Services as Prohibition & Excise Inspector on 15-10-1995. Consequently, he promoted as Asst. Prohibition & Excise Superintendent and also Prohibition & Excise Superintendent on 24-04-2013 and presently working as Asst. Commissioner, Visakhapatnam w.e.f. 10-10-2018. He worked as Prohibition & Excise Superintendent, Ongole from 24.09.2013 to 17.08.2015. His date of retirement on attaining the age of superannuation is on 31.05.2021. He is herein referred as Charged Officer.

The Dy.Commissioner of Prohibition & Excise, Ongole vide his Rc.No.57/2015/A1, dated 07-07-2015 has reported that Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole has not signed/ issued provisional licences to the success full applicants who have remitted 1/3rd of licence fee on the same day of lot i.e, on 06.07.2015 wilfully for some reason or other and the delay caused in signing the provisional licences caused loss of revenue to government and also raised scope for complaints/ allegations by the successful applicants.

The Dy. Commissioner, vide Rc.No.57/2015/A1, Dated 07-07-2015 has reported that in spite of specific instructions issued by the DOE, Hyd through whatsapps twice, the charged officer has kept a deafer ear and failed to rise up to the occution in following the instructions of the superior officer and further reported that the charged officer failed to discharge his legitimate duties.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT,EXCISE&R&S)

//forwarded :: by order//

SECTION OFFICER

ANNEXURE – III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI M. BHASKARA RAO, THE THEN PROHIBITION & EXCISE SUPERINTENDENT, ONGOLE PRESENTLY WORING AS ASSISTANT COMMISSIONER OF PROHIBITION & EXCISE (ENFORCEMENT) ARE PROPOSED TO BE SUSTAINED

Report of Dy. Commissioner, Ongole in Rc.No.57/2015/A1, dated 07-07-2015, with its enclosures.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT,EXCISE&R&S)

//forwarded :: by order//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI M. BHASKARA RAO, THE THEN PROHIBITION & EXCISE SUPERINTENDENT, ONGOLE PRESENTLY WORING AS ASSISTANT COMMISSIONER OF PROHIBITION & EXCISE (ENFORCEMENT) ARE PROPOSED TO BE SUSTAINED.

1. The then SHO, Ongole
2. The then SHO, Chirala
3. The then SHO, Paruchuru
4. The then SHO, Addanki
5. The then SHO, Chimakurthy

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT,EXCISE&R&S)

//forwarded :: by order//

SECTION OFFICER